

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL WEST,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:06CV903RWS
	)	
CHRIS KOSTER, Attorney General,	)	
for the State of Missouri,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

Petitioner Michael West seeks a writ of habeas corpus. He alleges that his constitutional rights were violated when, among other things, the state prosecutor, used false or perjured evidence to charge him with stalking. I referred this matter to United States Magistrate Judge Thomas C. Mummert, III for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On July 30, 2009, Judge Mummert filed his recommendation that Petitioner's habeas petition should be denied. The report and recommendation was mailed to the address West provided the Court. That mail was returned as undeliverable in August 10, 2009.

I have conducted a de novo review of all matters relevant to the petition. I find that Judge Mummert correctly analyzed West's grounds for relief and

correctly applied the law in reaching his recommendation. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Mummert and will deny West's habeas petition.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, a court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)).

I believe that West has not made such a showing on the grounds raised in her petition. Therefore, I will not issue a certificate of appealability.

Accordingly,

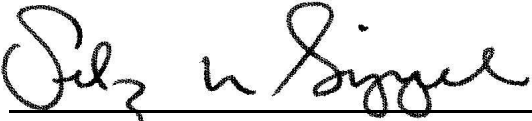
**IT IS HEREBY ORDERED** that Judge Mummert's report and recommendation [#25] filed on July 30, 2009 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner Michael West's Petition for Writ of Habeas Corpus [#1] is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 12th Day of August, 2009.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE